

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

WILLIAM C. HUGHES,

Plaintiff,

v.

GENERAL MOTORS,

Defendant.

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No. 4:19-CV-1327 JAR

MEMORANDUM AND ORDER

Plaintiff has filed a civil suit and seeks leave to proceed in forma pauperis. Plaintiff is granted leave to proceed without payment of the filing fee. Also, the Court will direct plaintiff to show cause why this action should not be dismissed for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3).

Plaintiff alleges that defendant General Motors ran his aircraft company out of business in 1994 through competitive business practices. Because plaintiff's complaint is hand-written, it is not entirely clear to the Court how plaintiff believes such business practices were purportedly unlawful. Rather, plaintiff states he was forced to sell off a highly "classified secret" to defense competitors, which apparently caused lay-offs in his business. Plaintiff states that he wishes to refer this matter to government prosecutors.

Plaintiff does not indicate the jurisdictional basis under which he is bringing the present lawsuit. To the extent that plaintiff is seeking the initiation of federal criminal charges against defendant, initiation of a federal criminal prosecution is a discretionary decision within the executive branch and is not subject to judicial compulsion. *See Ray v. United States Dept. of Justice*, 508 F. Supp. 724, 725 (E.D. Mo. 1981); 28 U.S.C. § 547(1).

Federal courts are courts of limited jurisdiction. The Court has jurisdiction to hear cases involving the Constitution, laws, or treaties of the United States under 28 U.S.C. § 1331, and the Court can hear cases where diversity jurisdiction exists under 28 U.S.C. § 1332.

The instant action does not arise under the Constitution, laws, or treaties of the United States, so federal question jurisdiction pursuant to 28 U.S.C. § 1331 is inapplicable. Therefore, the Court may only hear this case if diversity jurisdiction exists. There is no indication from the pleadings that diversity jurisdiction exists, as plaintiff has not articulated a cause of action against defendant, nor has he indicated a specific amount in controversy. As a result, the Court will order plaintiff to show cause why this action should not be dismissed for lack of jurisdiction.


Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff's motion to amend his motion for leave to proceed in forma pauperis [Doc. #3] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff must show cause no later than **thirty (30) days from the date of this Memorandum and Order**, why this action should not be dismissed.

Dated this 12th day of June, 2019.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE